

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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LOUISE SHASGUS as Guardian of  
Leslie Ann Shasgus,  
Plaintiff,

v.

ORDER  
08-CV-180A

JANSSEN, L.P.  
JOHNSON & JOHNSON  
ECKERD CORPORATION and  
ECKERD'S PHARMACY,

Defendant.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1)(B). On August 13, 2009, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendants' motion to dismiss for failure to prosecute be granted pursuant to Federal Rule of Civil Procedure 41(b) with prejudice and that defendants' application for recovery of motion costs and attorneys' fees associated with the motion be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendants' motion to dismiss for failure to prosecute is granted pursuant to Federal Rule of Civil Procedure 41(b) with prejudice, and defendants' application for recovery of motion costs and

attorneys' fees associated with this motion is denied.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: September 2, 2009